

**DECLARATION and POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CORN PLANTS AND PRODUCTS WITH IMPROVED OIL COMPOSITION**

the specification of which is attached hereto unless the following box is checked:

☐ was filed on \_\_\_\_\_ as U.S. Application No. \_\_\_\_\_ or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Application No.	Country	Filing Date	Priority Claimed (Yes/No)
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States Provisional Application(s) listed below.

U.S. Provisional Application No.	U.S. Filing Date
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application No.	Filing Date	Status (patented, pending or abandoned)
08/196,622	15 February 1994	Pending
PCT/US95/02076	15 February 1995	Pending

**POWER OF ATTORNEY:** I hereby appoint the following attorney(s) and/or agent(s) the power to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Name: <b>BARBARA C. SIEGELL</b>	Registration No.: <b>30,684</b>
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Send correspondence and direct telephone calls to:

**BARBARA C. SIEGELL**B. I. du Pont de Nemours and Company  
Legal - Patents  
Wilmington, DE 19898, U.S.A.Tel. No.  
**(302) 992-4931**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR(S)**

Full Name of Inventor	Last Name <b>LETO</b>	First Name <b>KENNETH</b>	Middle Name <b>JOSEPH</b>
	Signature (please sign full name): <i>Kenneth Joseph Leto</i>		Date: <i>7/16/96</i>
Residence & Citizenship	City <b>WEST DES MOINES</b>	State or Foreign Country <b>IOWA</b>	Country of Citizenship <b>U.S.A.</b>
Post Office Address	Post Office Address <b>4712 STONEBRIDGE ROAD</b>	City <b>WEST DES MOINES</b>	State or Country <b>IOWA</b> Zip Code <b>50265</b>
Full Name of Inventor	Last Name <b>ULRICH</b>	First Name <b>JAMES</b>	Middle Name <b>FRANCIS</b>
	Signature (please sign full name): <i>James Francis Ulrich</i>		Date: <i>7/17/96</i>
Residence & Citizenship	City <b>AURORA</b>	State or Foreign Country <b>ILLINOIS</b>	Country of Citizenship <b>U.S.A.</b>
Post Office Address	Post Office Address <b>4132 LANDING DRIVE, APARTMENT 3B</b>	City <b>AURORA</b>	State or Country <b>ILLINOIS</b> Zip Code <b>60504</b>

☐ Additional Inventors are being named on separately numbered sheets attached hereto.

IN THE APPLICATION OF:

CASE NO.: BB1057 US CNT

GROUP ART UNIT: UNKNOWN

EXAMINER: UNKNOWN

FOR: CORN PLANTS AND PRODUCTS WITH IMPROVED OIL COMPOSITION

## DECLARATION OF BIOLOGICAL CULTURE DEPOSIT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**I, LYNNE M. CHRISTENBURY**, declare that:

I am an attorney/agent of record for the owner of the above-identified application.

Cultures of the following biological materials have been deposited with the following international depository(ies):

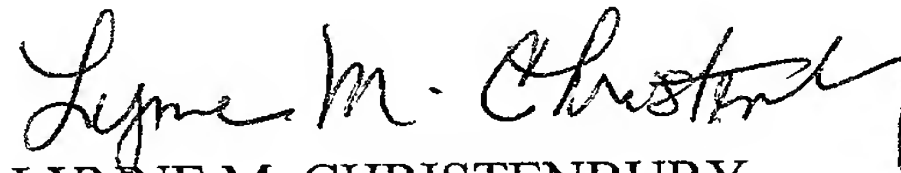
American Type Culture Collection (ATCC)  
10801 University Blvd., Manassas, VA 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. A copy of the receipt issued pursuant to Rules 7.3 and 10.2 (stating the term of the deposit) is attached.

Depositor's Identification of Organism	International Depository Accession Number	Date of Deposit
Corn Kernels; Kernels of Zea mays L.,B73ol	97026	January 19, 1995
Corn Kernels; Kernels of Zea mays L.,AEC27-2ol	97027	January 19, 1995
Corn Kernels; Kernels of Zea mays L.,ASKC28 ol	97042	January 27, 1995

I further aver that all restrictions on the availability to the public of the culture will be irrevocably removed upon the granting of a U.S. patent on the above-identified application.

Respectfully submitted,



LYNNE M. CHRISTENBURY  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 30,971  
TELEPHONE: 302-992-5481  
FACSIMILE: 302-892-1026

Dated: Dec 20, 2001

Enclosure: Deposit Receipt

1002445-10001



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCC NORTH • FAX: 301-770-2587

RECEIVED  
MAR 15 1995  
B.W.M.

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

DuPont Company  
Attn: Doris Behnke  
Agricultural Products Department  
Biotechnology Division  
Stine-Haskell Research Center  
Newark, DE 19714

Deposited on Behalf of: E.I. du Pont de Nemours & Company

Identification Reference by Depositor:

ATCC Designation

Corn Kernels; Kernels of *Zea mays* L., B7301  
Corn Kernels; Kernels of *Zea mays* L., AEC27-201

97026  
97027

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description  
indicated above.

The deposits were received January 19, 1995 by this International Depository Authority and have  
been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right  
to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States  
Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your  
responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years after the date of deposit, and for a period  
of at least five years after the most recent request for a sample. The United States and many other  
countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested January 26, 1995. On that date, the seeds were  
viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

  
Annette L. Bade, Director, Patent Depository

Date: January 20, 1995

cc: Bruce Morrissey, Esq.



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

RECEIVED  
MAR 20 1995  
E.W.M.

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

E.I. DuPont de Nemours & Company  
Attn: Doris Behnke  
Agricultural Products Department, Biotechnology Division  
Stine-Haskell Research Center  
Bldg. 210N, Rm. 254, Elkton Road  
Newark, DE 19714

Deposited on Behalf of: E.I. DuPont de Nemours & Company

Identification Reference by Depositor:

ATCC Designation

Corn Kernels; Kernels of *Zea mays* L., ASKC2801

97042

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received January 27, 1995 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested February 6, 1995. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

  
Annette L. Bade, Director, Patent Depository

Date: February 7, 1995

✓ cc: Bruce Morrissey, Esq.